

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:18 CR 565 CDP-1
)
 DEMETRIUS TYRESE JOHNSON,)
)
 Defendant.)

This matter is before the Court on defendant Demetrius Tyrese Johnson's motions to dismiss Counts 3 and 16 of the superseding indictment. All pretrial motions in this case were referred to United States Magistrate Judge John M. Bodenhausen, under 28 U.S.C. § 636(b). Judge Bodenhausen issued a Memorandum, Order and Recommendation, which recommended that the motions be denied. Defendant then filed objections.


I have conducted a *de novo* review of all materials relevant to these motions, including the original motions and briefs, and the objections filed by defendant. I will adopt and sustain the reasoning of Magistrate Judge Bodenhausen set forth in support of his recommended rulings, and I will deny the motions. The motions raise purely legal issues. Judge Bodenhausen correctly analyzed the legal arguments and correctly applied the governing law. To the extent defendant argues

that I should reject the binding precedent of the United States Court of Appeals for the Eighth Circuit, I decline. Given Judge Bodenhausen's thorough and correct analysis of the issues, I need not recite the law again.

Accordingly,

IT IS HEREBY ORDERED that the Memorandum, Order and Recommendations of the United States Magistrate Judge [380] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motions to dismiss Count 3 and Count 16 of the superseding indictment [327, 328] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 12th day of June, 2019.